

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.20262 of 2003

Date: 26.04.2007

Between:

Nekkaraganti Venkata Ramana.

....Petitioner

And

Revenue Divisional Officer.

....Respondent

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THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.20262 of 2003

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ORDER:

The petitioner challenges the order, dated 04.08.2003 passed by the Revenue Divisional Officer, Eluru, respondent herein, through which he impounded an agreement of sale, dated 08.11.1996. The document was referred by the Court of Additional Senior Civil Judge, Eluru, under the provisions of the Indian Stamp Act, 1899.

The grievance of the petitioner is that the respondent treated the document as a sale deed and levied the stamp duty and penalty, on that basis. Apart from that ground, it is urged that in view of the judgment, dated 13.09.2006, rendered by this Court in W.P.No.17945 of 2006, the respondent does not have the jurisdiction to impound the documents. This submission is not controverted by the learned Government Pleader for Revenue.

Following the same, the Writ Petition is allowed and the impugned order is set aside. It is left open to the trial Court to send the document to the District Registrar, for impounding. There shall be no order as to costs.

26.04.2007

Note: Issue C.C. tomorrow.
(B/o)
JSU